

Chapter 230
BOARD OF SELECTMEN

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[History: Article I readopted 12/1/93; Article II readopted 12/1/93. Amendments noted where applicable.]

Chapter 230
Board of Selectmen

ARTICLE I
Commercial Shellfish Regulations
[Readopted 12/1/93; amended 3/16/94; amended 11/1/95; amended 7/16/97;
amended 4/18/01; amended 10/18/06]

Notes: -- Under the authority of Massachusetts General Law, Chapter 130
-- Under the authority of Chapter 122 of the Code of the Town of Nantucket

230-1 Permit Required; Taking of Shellfish; Seasons; Limits

A. The Board of Selectmen shall authorize the issuance of permits by the Shellfish and Marine Department under the authority of Chapter 130 of the General Law of the Commonwealth of Massachusetts and subject to the following conditions:

1) No person without a permit shall take any shellfish as defined in M.G.L. Chapter 130, Section 1, by any means from the waters of the Town of Nantucket. The term "shellfish" is defined as clams, conchs, limpets, mussels, oysters, periwinkles, quahogs, razor clams or razor fish, scallops, sea clams, sea quahogs, sea scallops and winkles. **[Amended October 18, 2006]**

2) Applications for permits shall be filed between January 1st and March 31st for the season beginning the following November 1st. **[Amended October 18, 2006]**

3) Late applications shall be subject to the following penalty: the permit shall be valid either as of December 1st or as of the thirtieth (30th) day after the date of application, whichever date is later. **[Amended November 1, 1995; amended October 18, 2006]**

B. The Board of Selectmen shall allow the taking of legal scallops for commercial purposes during the period from November 1st to March 31st, inclusive. The Marine Superintendent is authorized, as he/she determines necessary, to close the commercial scalloping season during times when seed scallops are stranded on the beach. **[Amended December 1, 1993]**

C. Scallops shall be taken by hand only for family use and not over one bushel per person per week, and not for commercial purposes during the month of October.

D. No scallops shall be taken under permit issued by the Board of Selectmen unless they shall have a well-defined raised annual growth line, as provided by section 70 of Chapter 130 of the General Laws of the Commonwealth of Massachusetts.

1) A first violation of this Section 230-1.D. shall be punished by a mandatory revocation of permit for one day. The violator must also attend a seed scallop

identification course provided by the Town Biologist. **[Amended October 18, 2006]**

2) A second violation of this Section 230-1.D. shall be punished by a mandatory revocation of permit for one week. **[Amended October 18, 2006]**

3) A third violation of this Section 230-1.D. shall be punished by a mandatory revocation of permit for one year from the date of the violation. **[Amended October 18, 2006]**

E. Not over five standard type boxes (provided by the Town) of scallops shall be taken per man per day, including shells, and not over ten standard type boxes of scallops, including shells, shall be taken per boat per day. This limit of five and ten shall be interpreted as including scallops taken under this commercial permit and any family permit. Boxes may not be filled to exceed a "level" with the top of said box.

F. No scallops shall be taken from the waters of Nantucket when the air temperature has not reached 28 degrees Fahrenheit by 10:00 AM. Official thermometer will be installed at the Shellfish and Marine Department, 34 Washington Street, Nantucket, MA. At the same location and at Madaket launching pier will be flown a square red flag designating low temperature, no scalloping. Scalloping will not be allowed when the red flag is up. Flag will be lowered by official members of the Shellfish and Marine Department or their designees. **[Amended March 16, 1994]**

G. No clams, quahogs, oysters, or scallops shall be taken by hand or otherwise from such seed areas as are now set off or closed by action of the Board of Selectmen or from such areas as may be set off or closed by the Board of Selectmen during the period these regulations remain in force. Clams must measure 2.5 inches or more and quahogs must measure 2 inches or more. Notwithstanding the above, the Marine Superintendent in consultation with the Harbor and Shellfish Advisory Board may designate "seed scallop areas" which may be closed at his/her discretion. **[Amended December 1, 1993]**

230-2 Use of Dredges

A. The use of dredges is permitted between the hours of 6:30 AM and 4:30 PM. All scallop boats must be at the off-loading points by 4:30 PM. The use of dredges on Sunday is prohibited during the legal scallop season, and no scallops shall be taken on Sunday by hand for commercial purposes. **[Amended March 16, 1994]**

B. The use of two or more dredges connected together by an iron bar or any similar device is prohibited. No dredge or dredges of greater width than twenty-eight inches across the mouth will be permitted. Power hoisting of dredges is authorized provided no dredge is more than twenty-eight inches wide, seven rings deep, the bar on the dredge is not over eighteen mesh long and the complete dredge does not exceed forty lbs. in weight. **[Amended December 1, 1993]**

230-3 Permit Fees

A. The fee for a permit to take scallops under this article shall be two hundred fifty dollars (\$250.00), effective January 1, 1998. There shall be no fee for individuals over sixty years of age. **[Amended July 16, 1997]**

230-4 Violations; Penalties

A. A first violation of any of the provisions of this article other than Section 230-1.D. shall be punishable, upon a hearing by the Board of Selectmen, by revocation of permit for not more than thirty (30) days from the date of the Board of Selectmen's action revoking said permit. If penalty should carry over the end of the season, the balance of the penalty remaining shall be carried over and be effective in the next scallop season. **[Amended October 18, 2006]**

B. A second violation of any of the provisions of this article other than Section 230-1.D. shall be punishable, upon a hearing by the Board of Selectmen, by revocation of permit for one year from the date of the Board of Selectmen's action revoking said permit. **[Amended October 18, 2006]**

C. Any violation of any rule or regulation made by the Board of Selectmen under the authority of Chapter 130 of the General Laws of the Commonwealth of Massachusetts shall, in addition to any other penalty provided therein, be punished by a fine of not less than fifty (\$50.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment for not more than three months, or both.

ARTICLE II
Family Non-Commercial Shellfish Regulations
[Readopted 12/1/93; amended 11/1/95; amended 7/16/97; amended 4/18/01; amended
10/18/06]

Notes: -- Under the authority of Massachusetts General Law, Chapter 130
-- Under the authority of Chapter 122 of the Code of the Town of Nantucket

230-5 Permit Required; Taking of Shellfish; Seasons; Limits

- A. The Board of Selectmen shall authorize the issuance of permits by the Shellfish and Marine Department under the authority of Chapter 130 of the General Laws of the Commonwealth of Massachusetts.
- B. The permit shall allow the taking of legal quahogs and eels during the period from April 1st to March 31st, inclusive.
- C. Quahogs, Clams, Oysters or Scallops shall not be taken from seed areas as may be closed by the Board of Selectmen upon recommendation by the town biologist.
- D. Effective October 1, 1997, scallops may be taken Wednesday through Sunday only, from October 1st to March 31st inclusive, in any manner whatsoever as long as motor or sail power boat is not used and by any implement except dredges. Limit is one (1) bushel per license per week. **[Amended July 16, 1997]**
- E. Oysters may be taken from September 1st to April 30th, inclusive. Not over one-half (.5) bushel of oysters per week shall be taken for family use.
- F. Not over one (1) ten-quart bucket of quahogs in any one day and not over one-half (.5) bushel per week shall be taken for family use. Limit is one bushel of mussels per week.
- G. Shellfish and eels taken under permit shall not be sold or offered for sale.
- H. Soft shell clams may be taken only during season as set by the Board of Selectmen. Limit is one (1) ten-quart bucket only to be taken on Sundays. Season is closed June 15th to September 15th.
- I. Eels cannot be taken from Madaket ditch by a net having a mesh less than 1.5 inches. Only dip nets can be used in the taking of eels and alewives from said ditch.
- J. Pins are to be worn at all times.
- K. No person shall take seed scallops. **[Amended October 18, 2006]**
 - 1) The term "seed scallops" is defined as an immature scallop without a well defined, raised annual growth line. **[Amended October 18, 2006]**

2) A first violation of this Section 230-5.K. shall be punished by a mandatory written warning. **[Amended October 18, 2006]**

3) A second violation of this Section 230-5.K. shall be punished by a mandatory fine of not less than fifty-dollars (\$50.00) and not more than three-hundred dollars (\$300.00) and revocation of permit for two weeks. **[Amended October 18, 2006]**

4) A third violation of this Section 230-5.K. shall be punished by a mandatory revocation of permit for one year from the date of the violation. **[Amended October 18, 2006]**

230-6 Permit Fees

A. The fee for a permit to take scallops under this article shall be twenty five dollars (\$25.00) for residents of the Town of Nantucket and one hundred dollars (\$100.00) for non-residents. There shall be no fee for individuals over sixty years of age.

230-7 Violations; Penalties

A. A first violation of any of the provisions of this article other than Section 230-5.K. shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300.00), or upon a hearing by the Board of Selectmen, the permit of the violator may be revoked for whatever period the Board may determine. A second violation of any of the provisions of this article other than Section 230-5.K., shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300.00) and, in addition, the permit of the violator shall be revoked for one calendar year from the date of the hearing. **[Amended April 18, 2001; amended October 18, 2006]**